IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10712 of 2004

Between:
Smt. Premalatha Das, Prop. of Sree Neelamani Durga Talkies
Meliaputti Village & Mandal, Srikakulam District.

..... PETITIONER

AND

1 The Assistant Commissioner of Employees Provident Fund Organisation,
sub-Regional Officer, Vuda Layout, NAD Post, Visakhapatnam.
2 The Enforcemnet Officer, Provident Fund Inspectorate D.NO. 8-12-64,
Beside Mayuri Theatre, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records pertaining to the impugned order AP/36910/7A/SRO/VSP/1996 dated August 28, 2003 of the Respondent No. 1 herein Viz., the Asst. Commissioner Employees Provident Fund Organization and set aside the same by the issuance of a Writ, more particularly in the nature of the Writ of Certiorari or any other appropriate Writ, order or direction as the Hon'ble Court may deem fit and proper.

For the Petitioner: V. HIMABINDU, Advocate.

For the Respondent,: MR. R.N. REDDY, Standing Counsel

The Court at the admission stage made the following :

ORDER:

The petitioner seeks to challenge the proceedings dated 28-08-2003 and 26-3-2004 issued by the first respondent covering the petitioner-theatre under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and rejecting the review petition filed by the petitioner as illegal and arbitrary.

The learned counsel for the petitioner submits that against the order dated 28-08-2003, a revision petition was filed by the petitioner and the respondents without giving an opportunity of being heard dismissed the review petition.

The learned counsel for the respondents on the other hand, submits that there is alternative remedy of appeal available to the petitioner before the tribunal constituted for the purpose and the petitioner without exhausting the appeal remedy before the tribunal approached this Court invoking the jurisdiction under Article 226 of the Constitution of India.

Having regard to the fact that the petitioner has the alternative remedy by way of appeal before the tribunal, it is open to the petitioner to avail the remedy of appeal before the tribunal within six weeks from today. However, the respondents shall not take any coercive steps against the petitioner till such time.

The writ petition is disposed of accordingly. No costs.

N.V. RAMANA, J

Date: 29-06-2004
Svv

To
1 The Assistant Commissioner, Employees Provident Fund Organisation, Sub-Regional Officer, Vuda Layout, NAD Post, Visakhapatnam.
2 The Enforcement Officer, Provident Fund Inspectorate D.NO. 8-12-64,
Beside Mayuri Theatre, Vizianagaram.
3 Two CD copies.